

# BUREAU FOR PRIVATE POSTSECONDARY AND VOCATIONAL EDUCATION



## Update

April 1998

### Organizations and Associations that Represent the Private Postsecondary Community

In an attempt to be as fair and inclusive as possible in our dealings with the private postsecondary community, we are seeking information about all organizations and associations that represent private postsecondary education in California. To that end, we would appreciate your response to this office regarding any such organizations as soon as possible. Please provide us with the following information:

- ◆ Name of Organization
- ◆ Address
- ◆ Phone Number
- ◆ Name and Title of Executive Director or Other Primary Contact
- ◆ Date Started
- ◆ Brief Description of Kinds of Schools or People Represented
- ◆ Number of Schools or Persons Represented (If representing schools, please furnish us with a list of them)
- ◆ Please Attach a Copy of its Latest Brochure or Publication

So far, we are aware of only about six organizations that represent private postsecondary interests, and yet we have heard that there are 20 – 30 of them. Hopefully, this will enable us to narrow that gap and facilitate communications allowing us to reach as much as possible of this diverse population with which we must interact. ◆

### Bureau Telephone System

We apologize for any inconvenience you may have experienced with our new phone system. We are working toward correcting the current problems. We have reprogrammed the system to more efficiently process the high volume of calls.

To contact the Bureau, please call 445-3427. Once you have reached the automated attendant, if you know the four-digit extension of the person you are trying to reach, enter that extension. Otherwise, you may enter the number that corresponds with the information you are requesting. If you choose to speak directly to an operator, please press zero. ◆

### Is Your Institution Regulated Under the New Act

Attached to this newsletter is a “Decision Tree” developed by the Bureau to assist you in determining whether your institution or program is regulated under the new Private Postsecondary and Vocational Education Reform Act (the Act). The “Decision Tree” is linked to the “Requirements Matrix”, also developed by the Bureau, to assist you in determining which Articles of the new Act apply to your institution or program. To use the “Decision Tree”, you should follow the arrows until you locate a decision box that applies to your institution or program. For instance on page one, each decision box stands alone. If you answer “no” to the question in the first box, you must move to the next decision box immediately following the box to which you answered “no”. Once you locate a box where the answer is “yes”, the “Decision Tree” either advises you that no approval is required, or that approval is required and you should refer to a specific “row” of the “Requirements Matrix” to determine the Articles of the new Act that apply to your institution or program. In addition, if your institution offers a variety of programs, e.g., degree-granting, non-degree granting, or registered, you must move through the “Decision Tree” until you have identified the various programs offered by your institution. You can then use the “Requirements Matrix” to determine which Articles apply to which programs. ◆

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# Calendar Items

## Goals

- April 8, 1998 The Bureau is resuming its review and approval of applications. Applications are being handled on a first come/first serve basis. We anticipate that it will take three to four months to address the backlog and become current in application reviews.
- April 15, 1998 1998 Annual Fee Notices will be mailed.
- April 15, 1998 Institutions seeking a status report on an application should call 445-3427. Once they reach the automated attendant they should press one and leave the name of the institution, their name (spelling the name), title, area code and phone number along with the best time to call. A return call will be made within 48 hours.
- April 15, 1998 Institutions with critically urgent issues should fax their information to the Bureau. A return call will be made within 48 hours. However, resolution of these issues may take 15 to 30 days (based upon the circumstances).
- April 15, 1998 Non-urgent requests should be submitted in writing. A written response will be returned within 45 to 60 days.
- June 1, 1998 Student Tuition Recovery Fund Assessment Notices will be mailed, including notices for the 1997 fourth quarter.
- June 1, 1998 The Bureau will resume site visits for temporary approvals (first priority) and some reapprovals. These preliminary site visits will be conducted on a limited basis in order to pilot a new, decentralized qualitative review process.

## US Department of Education Approved Ability to Benefit Tests

- ◆ ASSET Program: Basic Skills Test
- ◆ Career Programs Assessment (CPAT): Basic Skills Test
- ◆ Compass Subtests
- ◆ Computerized Placement Test
- ◆ Descriptive Tests
- ◆ Test of Adult Basic Education (TABE)
- ◆ Wonderlic Basic Skills Test (WBST)

## Small Schools Advisory

### Small Institutions Play Big Role in the Private Postsecondary Community

Part of the Bureau's mission is to promote a free-market postsecondary educational community. "Mom and Pop" enterprises have historically been critical to the economy, and many small vocational schools are owned and operated by one or two owners. These schools offer specialized training in skills, often available only in a few institutions. They also may have issues and concerns considerably different from larger institutions.

The law recognizes that small institutions sometimes need to be treated differently. For example, Section 94785 exempts a school from the Maxine Waters Student Protection Act if it enrolls 100 students or fewer students in a calendar year. Section 94786 exempts a school from the Maxine Waters Act and its total change for its educational program is \$1,000 or less. In order to qualify for either exemption, no part of the change for educational services may be paid from a governmental student financial aid program. But for the most part, small institutions are held to the same standards as larger institutions.

Certainly small schools must comply with the law and regulations, but policy decisions should be based on good sense, within the provisions of the law. It isn't good business or good government to require documentation that a sole owner distribute policies and procedures manuals to himself or herself, conduct staff meetings with himself or herself, or supervise and report on himself or herself . . . yes, to himself or herself.

We don't think "small" means insignificant. For that reason, the Bureau will devote space regularly to issues that particularly impact small schools. You are encouraged to pose those questions and issues that you feel are of interest to schools that generally serve a small student population, or that are organizationally, administered by one or two owners/administrators and instructors. We will do our best to answer those concerns. ◆

## Using Private Consultants

The Bureau is aware that many institutions contract with private consultants to assist them in preparing their applications for approval or reapproval. More recently, it has come to the Bureau's attention that some consultants are mailing these applications to the Bureau without providing copies to the owners of these institutions. Since the owners of the school are responsible for the information submitted this practice is dangerous and may create considerable hardship for the owners of the institution and the Bureau. For example, the owners of an institution recently contacted by the Bureau could not answer the Bureau's questions concerning the content of the application and, in fact, informed the Bureau that much of the information was not true. Moreover, the owners of the institution did not have a copy of the application and were unable to adequately respond to the Bureau's concerns. Obviously, in this situation, the owners must now correct the application before the Bureau can proceed to process the application.

Private consultants indicating that they are authorized to act on behalf of the owners of the institution also have contacted the Bureau. In this case, the Bureau must refuse to provide or receive information from the consultant directly unless the owners of the institution provide the Bureau with a written confirmation of authorization for the consultant to have this type of access. If the owners of an institution want the Bureau to deal directly with the consultant, rather than the owners, the application for approval or reapproval should contain a written confirmation of authorization, signed by each owner, at the time it is submitted to the Bureau. ♦

## Questions & Answers

**Q:** We offer an intensive English language program. We have already been granted an approval to operate, but we are concerned about the high fees associated with an approval to operate. Can we transfer to a “registered institution” automatically and pay the appropriate registration fees?

**A:** The Application Order Form to apply for registration is attached to this newsletter. Once you order the Application for Registration, complete and file your application, and pay the appropriate registration fee of \$700, the Bureau will process your application. If the application is complete and verifies that the educational services you offer qualify you for registration, the Bureau will issue you a registration certificate. If you offer only educational services that can be registered, you will no longer be required to pay the high fees associated with your approval to operate. However, the Bureau cannot provide approval fees previously paid or issue reimbursements. Your status will be modified in the Bureau's records, you will no longer be billed for quarterly STRF assessments, and your first annual fee payment will not be due until one year from the date your registration is issued. However, you are responsible for any payments offers and assessments that were due the Bureau prior to your change to registration status. These fees must be paid before the Bureau can issue your registration certificate.



**Q:** At the present time approximately 90% of the students enrolled in our programs are students who have entered the U.S. on F-1 Student Visas. However, we also receive applications from non-English speaking people, legally residing in California, who desire English language training. How will these arrangements affect our status under the new Act?

**A:** It appears that you are mixing students at an intensive English language course with students of an English as a Second Language course. If this is the case, the Maxine Waters Student Protection Act (Article 7) will apply to all of the students in the program. That is when different rules may be applicable to any of the students, the most stringent rules must be applied to all students in the course.

If you no longer mix the students, but rather separate them into the two different types of programs, then you may refer to the Bureau's decision tree, pages 10 and 12, when you can identify the different requirements for the two different programs under the new Act. These pages of the decision tree refer you to rows 17 and 23 of the requirements, which indicate the Articles of the new Act that apply to each of the two types of programs. These documents are attached to this newsletter.

**Q:** What is the procedure to follow when moving the location of a school? How far ahead of the move should we notify the Bureau?

**A:** The new Act provides that the regulations previously adopted by the Council will remain in effect until the Bureau replaces or repeals these regulations. Sections 73600 through 73650 of the Title 5 of the California Code of Regulations outline the process to be followed when a school will be moving to a new location. An application to change the location of its main campus or the location of a branch campus must be submitted at least 60 days prior to the proposed date of the change in location. The school also is required to notify students both orally and in writing that it intends to move the location.

**Q:** Will the Bureau have resources to investigate people offering classes without approval?

**A:** The Bureau has requested a one-time budget increase to eliminate the backlogs at the Bureau, including complaints about unapproved activities. Moreover, the Bureau has been advised by many school owners that there are a large number of unapproved entities offering educational services that should be registered with the Bureau. Once the Bureau has implemented its new registration program, the Bureau will begin the work of identifying as many of those unregistered and unapproved entities as possible. The Bureau welcomes the receipt of any information regarding unapproved or unregistered activity. Obviously, the Bureau currently has a large backlog of those types of complaints, so it is unlikely that we will be able to tackle all of these complaints within the next few months. However, the Bureau intends to bring people who require approval or registration into compliance as quickly as it can.